



4141 Douglas Drive North
Crystal, MN 55422
Phone: (763) 531-1000 Fax: (763) 531-1188
Website: www.crystalmn.gov

Application for Public Works Permit Excavation/Utilities

Date _____

Permit No. _____

Site Address	
Tenant/Bldg Name	

Applicant: Owner _____ Contractor _____

Property Owner/ Location Descrip.	Name/Company _____ Phone No. _____
	Address _____
Contractor	Company _____ Phone No. _____
	Contact Person (Print) _____ Phone No. _____
	Address _____
	City _____ State _____ Zip _____

Note: 2 detailed drawings and site plans with dimensions must accompany this application.

Public Works Sub-Type:	<input type="checkbox"/> 01 - Street Excavation	<input type="checkbox"/> 02 - Private Utility	<input type="checkbox"/> 03 - Blvd Excavation
Work Type:	<input type="checkbox"/> 01 - New	<input type="checkbox"/> 03 - Alteration	<input type="checkbox"/> 04 - Repair
	<input type="checkbox"/> 05 - Overhead	<input type="checkbox"/> 06 - Underground	<input type="checkbox"/> 07 - Installation
	<input type="checkbox"/> 08 - Remove/Install		
Office Use Required Inspections	<input type="checkbox"/> 15 - Final		

Description of Work: _____

Size of Opening _____

Office Use Only

Permit Fee \$ _____
Fee for Opening \$ _____
Other \$ _____
Total Fees \$ _____

The undersigned hereby represents upon all of the penalties of the law, for the purpose of including the City of Crystal to take the action herein requested, that all statements are true, and that all work herein will be done in accordance with the ordinances of the City of Crystal and the State of Minnesota.

Applicant's Signature/Date

Permit Approved By:

Date Approved:

CITY OF CRYSTAL

GENERAL REQUIREMENT FOR PUBLIC WORKS EXCAVATION/UTILITY PERMIT

1. All traffic warning devices and barricades shall conform to the Minnesota Manual on Uniform Traffic Control Devices, current editions and any and all updates or supplements thereto.
2. All traffic warning devices, barricades, flag persons and equipment shall be provided by the parties or organizations performing the work. Said devices shall be removed from the job site promptly upon completion of the work.
3. Safety vest shall be worn by *ANYONE* occupying City right-of-way
4. **Permit on Job** - Permits or copies shall be kept on the work site, while work is in progress, in the custody of the individual in charge and shall be exhibited upon request by any City official.
5. **Provisions and Specifications** - These general requirements and specifications shall be considered as forming an integral part of each and every permit issued for operations on City roadways. The work authorized by this permit shall be done at such time and in such manner to be consistent with the safety of the public and shall conform to all requirements and standards of the City of Crystal as herein specified. If at any time it shall be found by the City of Crystal that the work is not being done or has not been properly performed, the Permittee, upon being notified shall immediately take the necessary steps, at their own expense to place the work in conformance to said required standards.
6. **Annulment** - In the event of failure or neglect, will or not, by said Permittee to comply with the prescribed conditions, restrictions and regulations, the City may revoke and annul this permit and order said Permittee to immediately remove any and all property belonging to the Permittee from the legal limits of the roadway or City property.
7. **Execution** - The Permittee shall use due diligence in the execution of the work authorized under this permit in order not to endanger or unnecessarily obstruct travel along the said roadway. Operations shall be so conducted at all times as to permit safe and free travel over the roads within the limits of the

work. All safety measures for the free movement of traffic shall be provided by the permittee at its own cost.

8. **Damage to Roadway** - If pavement, roadway or right-of-way is disturbed or damaged, same shall be restored in a timely manner to its original or a better condition at the sole expense of the Permittee. Permittee's failure to correct such damage in a timely manor will result in the City of Crystal, through its own forces or contractors, making repairs and billing the Permittee for all costs and expenses related thereto. Permittee agrees if it fails to make payment of said amount, it shall pay all costs relating to debt collection.
9. **Quality of work** – Finished surface, base and sub-base of the road upon completion of the work shall be equal to or better than specifications for the original road. No pavement debris or any other debris shall be left buried in the backfill of any trench or excavation.
10. **Clean up and Restoration** – Street surfaces and roadside shall be kept, neat and presentable through out construction as determined by the City of Crystal.

The Permittee shall remove at own expense all temporary structures, rubbish, excess and waste materials, equipment, etc. from the site of the work authorized by this permit on a routine basis.

The Permittee shall restore the site of work to substantially the same of better condition as found or originally specified and repair all damages within or out of the right-of-way at its own expense within 5 days after the completion of the work.

All surfaces disturbed or damaged by Permittee operations due to the performance of the work authorized by this permit shall be restored, at Permittee's expense, in accordance with the following requirements.

- A. When sod or turf is disturbed by any operation of the permittee, such sod or turf shall be removed and replaced with new sod meeting the requirements of Mn/DOT 3878. New sod shall be placed on not less than 4- inches of topsoil. The sod shall be placed and maintained in accordance with Mn/DOT 2575. The permittee shall maintain and water the sod for 30 calendar days. The City will then makes final inspection and consider acceptance of the sod.
- B. Where the City Engineer determines that seeding is warranted, such areas shall be seeded with Mixture 270 in accordance with Mn/DOT 2575 and Mn/DOT 3878. The determination to seed or sod shall be solely at the discretion of the City Engineer.

- C. Wherever bituminous surfaces are disturbed by excavation, trenching or by any operations of the Permittee, such waste materials and debris shall be disposed of outside of the City in accordance with the provisions of Mn/DOT 2104. Bituminous patches shall be straight line saw cut and squared up and shall be constructed in accordance with the provisions of Mn/DOT 2211 and Mn/DOT 2360 to substantially the same thickness or better as found of Class 5 aggregate base and Mn/DOT Type LVWE45030B bituminous material. Bituminous material shall be placed on a compacted subgrade as approved by the City Engineer and in equal lifts with each lift shall not to exceed 2-inches in thickness.
- D. Concrete walks, driveways or curb and gutters that are disturbed or damaged by any operations of the Permittee shall be removed and replaced in accordance with the provisions of Mn/DOT 2104, Mn/DOT 2521 and Mn/DOT 2531. Concrete walks shall be constructed to a 4-inch thickness and concrete driveways shall be 7-inches.

Concrete Mix for sidewalks, driveways and curb and gutter shall be Mn/DOT Mixture 3A32.

11. **Guaranty** – It shall be understood that the Permittee will be responsible for maintenance or repair of any and all failures due to workmanship, materials, settlement, erosion, and lack of vegetation growth, rutting or other job related problems for a period of two (2) years after the project completion. Permittee shall perform all said maintenance immediately after it has been notified by the City of said deficiency. Permittee shall be responsible for all costs and expenses related to said maintenance. Permittee's failure to perform said maintenance immediately will result in the City, through its own forces or its contractors, performing said maintenance and billing Permittee for all cost and expense related hereto. Permittee agrees if it fails to make payment of said amount, it shall pay all costs relating to debt collection.
12. **Street Patch and Concrete Restoration by City Forces (Optional)** – The Permittee may contract with the City and have City forces and or its contractors perform bituminous and concrete pavement patch and concrete curb and gutter replacements. Appropriate fees for this work will be calculated and collected by the City from the Permittee at the time of issue of this permit. See fee schedule.

Permittee is required to adequately compact backfill, straight line saw cut and square up the disturbed bituminous or concrete sidewalk pavement, place and compact 12-inches of class 5 gravel – level with the street grade, 8-inches of class 5 gravel – level with the side walk grade and clean up and prepare the site for City forces to perform their work.

Permittee shall comply with all of the prescribed conditions, and requirements of this permit.

The City reserves the right to refuse this work for any reason as seen fit.

(3) the telephone number and mailing address of the notification center.

History: 1987 c 353 s 8

216D.03 NOTIFICATION CENTER.

Subdivision 1. Participation. An operator shall participate in and share in the costs of one statewide notification center operated by a vendor selected under subdivision 2.

Subd. 2. Establishment of notification center; rules. (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the Office of Pipeline Safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.

(b) The commissioner shall adopt rules:

(1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service;

(2) governing the operating procedures and technology needed for a statewide notification center; and

(3) setting forth the method for assessing the cost of the service among operators.

(c) The commissioner shall select a vendor to provide the notification center service. The commissioner may advertise for bids as provided in section 16C.06, subdivisions 1 and 2, and base the selection of a vendor on best value as provided in section 16C.06, subdivision 6. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.

(d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (c).

Subd. 3. Cooperation with local government. In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the League of Minnesota Cities, the Association of Minnesota Counties, and the Township Officers' Association. The purpose of this cooperation is to maximize the participation of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 216D.01 to 216D.07.

Subd. 4. Notice to local government. The notification center shall provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center.

History: 1987 c 353 s 9; 1997 c 187 art 1 s 15; 1998 c 386 art 2 s 69

216D.04 EXCAVATION; LAND SURVEY.

Subdivision 1. Notice required; contents. (a) Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than 14 calendar days before beginning any excavation or boundary survey. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in the notice.

(b) The notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the notice;
- (2) the precise location of the proposed area of excavation or survey;
- (3) the name, address, and telephone number of the individual or individual's company;
- (4) the field telephone number, if one is available;
- (5) the type and extent of the activity;
- (6) whether or not the discharge of explosives is anticipated;
- (7) the date and time when the excavation or survey is to commence; and
- (8) the estimated duration of the activity.

Subd. 1a. Plans for excavation. (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator who provides information to a person who is not a unit of government may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection. The information obtained from affected operators must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract.

(b) This subdivision does not apply to bids and contracts for:

- (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines;
- (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or
- (3) excavation for home construction and projects by home owners.

(c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation. Affected facility operators shall attend these meetings or make other arrangements to provide information.

(d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction meetings to communicate the project design and coordinate utility relocation. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information.

(e) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1.

Subd. 2. Duties of notification center; regarding notice. The notification center shall assign an inquiry identification number to each notice and retain a record of all notices received for at least six years. The center shall immediately transmit the information contained in a notice to every operator that has an underground facility in the area of the proposed excavation or boundary survey.

Subd. 3. Locating underground facility; operator. (a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

(b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.

(c) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.

(d) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.

(e) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor.

(f) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or out-of-service after December 31, 1998.

(g) An operator or other person providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned, out-of-service, or private or customer-owned underground facilities.

Subd. 4. Locating underground facility; excavator or land surveyor. (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility.

(b) If the excavator or land surveyor cancels the excavation or boundary survey, the excavator or land surveyor shall cancel the notice through the notification center.

(c) The notice is valid for 14 calendar days from the start time stated on the notice. If the activity will continue after the expiration time, then the person responsible for the activity shall serve an additional notice at least 48 hours, excluding Saturdays, Sundays, and holidays, before the expiration time of the original notice, unless the excavator makes arrangements with the operators affected to periodically verify or refresh the marks, in which case the notice is valid for six months from the start time stated on the notice.

(d) The excavator is responsible for reasonably protecting and preserving the marks until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe the marks are obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify or refresh the marks.

History: 1987 c 353 s 10; 1992 c 493 s 5; 1993 c 341 art 1 s 21; 1997 c 196 s 1; 1998 c 348 s 1-3; 2004 c 163 s 2-6

216D.05 PRECAUTIONS TO AVOID DAMAGE.

An excavator shall:

(1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area;

(2) use white markings for proposed excavations except where it can be shown that it is not practical;

(3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;

(4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and

(5) conduct the excavation in a careful and prudent manner.

History: 1987 c 353 s 11; 1998 c 348 s 4; 2004 c 163 s 7

216D.06 DAMAGE TO FACILITY.

Subdivision 1. Notice; repair. (a) If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator promptly. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible shall immediately notify the operator and the 911 public safety answering point, as defined in section 403.02, subdivision 19, and take immediate action to protect the public and property. The excavator shall also attempt to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and completed their assessment. The 911 public safety answering point shall maintain a response plan for notifications generated by this section.

(b) An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.

(c) An excavator who knowingly damages an underground facility, and who does not notify the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor.

Subd. 2. Cost reimbursement. (a) If an excavator damages an underground facility, the excavator shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.

(b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 216D.04, subdivision 3.

Subd. 3. Prima facie evidence of negligence. It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 216D.04 or provide support as required by section 216D.05.

History: 1987 c 353 s 12; 1999 c 43 s 1

216D.07 EFFECT ON LOCAL ORDINANCES.

(a) Sections 216D.01 to 216D.07 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

(b) A person with a permit for excavation from the state or a public agency is subject to sections 216D.01 to 216D.07. The state or public agency that issued a permit for excavation is not liable for the actions of an excavator who fails to comply with sections 216D.01 to 216D.07.

History: 1987 c 353 s 13

216D.08 CIVIL PENALTIES; PROCEEDS TO SAFETY ACCOUNT; RULES.

Subdivision 1. Penalties. A person who is engaged in excavation for remuneration or an operator other than an operator subject to section 299F.59, subdivision 1, who violates sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed by the commissioner not to exceed \$1,000 for each violation per day of violation. An operator subject to section 299F.59, subdivision 1, who violates sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed under section 299F.60. The district court may hear, try, and determine actions commenced under this section. Trials under this section must be to the court sitting without a jury. If the fine exceeds the maximum limit for conciliation court, the person appealing the fine may request the commissioner to conduct an administrative hearing under chapter 14.

Subd. 2. Settlement. The commissioner may negotiate a compromise settlement of a civil penalty. In determining the amount of the penalty, or the amount of the compromise settlement, the commissioner shall consider the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation. Unless the commissioner chooses to proceed in district court under subdivision 1, the contested case and judicial review provisions of chapter 14 apply to the orders of the commissioner imposing a penalty under sections 216D.01 to 216D.07. The amount of the penalty, when finally determined, may be deducted from sums owing by the state of Minnesota to the person charged.

Subd. 3. Credited to pipeline safety account; appropriation. Penalties collected under this section must be deposited in the state treasury and credited to the pipeline safety account to be applied to the reduction of expenses or costs assessed by the commissioner against persons regulated under this chapter. Penalties collected under this section are annually appropriated to the commissioner of public safety.

Subd. 4. Rules. The commissioner shall adopt rules establishing reasonable guidelines for imposing penalties. The rules must provide for notice that a penalty is assessed and may exempt activities from penalties unless the excavator or operator as defined in this section has evidenced a

course of action in disregard of this chapter.

History: 1989 c 244 s 6; 1998 c 348 s 5,6; 2005 c 136 art 8 s 4,5

216D.09 INJUNCTIVE RELIEF.

Subdivision 1. Jurisdiction. The district courts of the state of Minnesota have jurisdiction, subject to the provisions of the statutes and the rules of practice and procedure of the state of Minnesota relative to civil actions in the district courts, to restrain violations of sections 216D.01 to 216D.07, on petition by the attorney general on behalf of the state of Minnesota. When practicable, the commissioner shall give notice to a person against whom an action for injunctive relief is contemplated and afford the person an opportunity to present views and, except in the case of a knowing and willful violation, shall afford the person reasonable opportunity to achieve compliance. However, the failure to give the notice and afford an opportunity to present views does not preclude the granting of appropriate relief.

Subd. 2. Venue. Actions under this section must be brought in district court in the district where the defendant's principal place of business in the state is located, and process in these cases may be served in any other district in the state of Minnesota where the defendant may be found or in which the defendant is an inhabitant or transacts business.

History: 1989 c 244 s 7